In the High Court of Judicature at Madras

Dated:23.06.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.541 of 2006

Baby Padmini .. Petitioner

vs.

1. The Sub-Inspector of Police
   Neelangarai Police Station
   Neelangarai
   Chennai 600 041
   Kanchipuram District.

2. The Superintendent of Police
   Kanchipuram District
   Kanchipuram.

3. M. Asokan .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. E. Girirajan

For respondents 1 & 2 : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

Ms. K. Sumathi for R.3

ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner, by name, Baby Padmini has filed this petition seeking direction to the respondents to produce her son Varunan before this Court and hand over his custody to her.

2. Pursuant to the notice, third respondent is represented by a counsel. The learned counsel appearing for the

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third respondent has produced a copy of the order passed by the Second Additional Family Court at Chennai dated 31.12.2004 made in FCOP.No.178 of 2002. The said petition was filed by the third respondent herein against his wife, petitioner herein for dissolution of marriage and for custody of the minor child Varunan under Section 13 (1)(ia) and 26 of the Hindu Marriage Act. By order dated 31.12.2004, the Family Court while granting divorce, permitted the petitioner therein/third respondent herein, viz., M. Asokan to have the custody of minor child Varunan, aged about 7 ½ years under Section 26 of the Hindu Marriage Act. No doubt, learned counsel for the petitioner in this petition submits that the said order was an ex parte order. In such circumstances, it is for the petitioner to approach the concerned Court for further relief.

With the above observation, this petition is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Sub-Inspector of Police
   Neelangarai Police Station
   Neelangarai,Chennai 600 041
   Kanchipuram District.

2. The Superintendent of Police
   Kanchipuram District
   Kanchipuram.

3. The Public Prosecutor,
High Court, Madras.

1 cc to Ms. K. Sumathi, Advocate, Sr. 26613

H.C.P.No.541 of 2006

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